

**REMARKS**

Claims 1-7 and 10-16 are pending in this application. By this Amendment, claims 1, 2, 10-12, 14 and 16 are amended for form. Claims 1 and 10 are further amended to incorporate the subject matter of claim 8, and claim 11 is further amended to incorporate the subject matter of claims 8 and 9. Claims 8 and 9 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for the amendments can be found, for example, in paragraph [0013] of the specification. No new matter is added. Reconsideration and prompt allowance is respectfully requested at least in light of the following remarks.

**I. Personal Interview**

Applicant appreciates the courtesies shown to Applicant's representative by Examiners Riddle and Glick in the December 9, 2009 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

**II. Objection to the Specification**

The Office Action objects to the Abstract for being longer than 150 words. The Abstract is amended responsive to the objection. Withdrawal of the objection is respectfully requested.

**III. Claim Objections**

The Office Action objects to claims 1, 2, 12, 14, and 16 for informalities. Those claims are amended responsive to the objection. Withdrawal of the objection is respectfully requested.

**IV. §112 Rejection**

The Office Action rejects claim 10 under 35 U.S.C. §112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action asserts that

"the first aspect of the present invention," as recited in claim 10 is vague and indefinite because it is unclear what the first aspect of the present invention is. Claim 10 is amended responsive to the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

**V. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1, 2, 4-8 and 10-14 under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2003/0071980 to Ina et al. (Ina); rejects claim 3 under 35 U.S.C. §103(a) over Ina in view of U.S. Patent Application Publication No. 2004/0058540 to Matsumoto et al. (Matsumoto); and rejects claims 9, 15 and 16 under 35 U.S.C. §103(a) over Ina in view of U.S. Patent Application Publication No. 2003/0204348 to Suzuki et al. (Suzuki). The rejections are respectfully traversed.

Ina fails to disclose each and every feature recited in claim 1. For example, Ina fails to disclose "a seventh step of comparing the plurality of comparative computation results obtained at said sixth step and said reference computation results and selecting candidates of said comparative computation results to be used in said fourth step based on said comparison results," as recited original claim 8, which is incorporated into claim 1.

In the rejection of claim 8, the Office Action asserts step S255 of Ina corresponds to the seventh step of claim 8. Applicant respectfully disagrees with this assertion. For example, in the seventh step of claim 8, the comparative computation results and reference computation results are compared in order to select candidates of the comparative computation results to be used in the fourth step of claim 1. The comparative computation and reference computation results are performed prior to processing the wafer. In other words, the seventh step of claim 8 is performed using pre-processing results obtained before exposure (processing).

In contrast, in step S255 of Ina, computer 4 of Ina determines which parameters can provide the best results based on a comparison between measurement results, estimated measurement results and inspection results (see Ina, Fig. 2 and paragraph [0095]). Although the measurement and estimated measurement results are pre-processing results, the inspection results are post-processing results (see Ina, Fig. 2 and paragraph [0095]). In other words, while the comparison performed in the recited step 7 is based on only pre-processing results, the comparison performed in step S255 of Ina is based on pre-processing and post-processing results. Thus, the results used in the comparison performed in step S255 of Ina do not correspond to the results used in the comparison performed in the recited seventh step. Accordingly, the comparison performed in the recited seventh step (comparison between only pre-processing results) does not correspond to the comparison performed in step S255 of Ina (comparison between pre-processing and post-processing results). Therefore, Ina fails to disclose the seventh step of original claim 8, which is incorporated into amended claim 1. Thus, amended claim 1 is patentable over Ina.

Claim 10 incorporates the method recited in claim 1. In addition, claim 11 recites similar patentable features. For example, claim 11 recites "a comparative computation result comparing means for comparing the plurality of comparative computation results obtained by said plurality of said comparative computation result fetching means and selecting candidates of said comparative computation results based on residual error components of said comparative computation results to be used in a processing error calculating means based on said comparison results." Therefore, these claims are also patentable at least for the reasons discussed above as well as for the additional features that these claims recite.

Dependent claims 2-9 and 12-16 depend from independent claims 1 and 11, respectively. Therefore, those dependent claims are also patentable at least for their

dependencies from claims 1 and 11 as well as for the additional features that those claims recite.

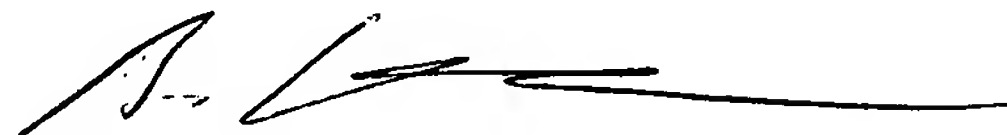
Accordingly, withdrawal of the rejections is respectfully requested.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Amended Abstract

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